

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED MEDICAL SYSTEMS, INC.,

Plaintiff,

vs.

Case No. 04-1351-JTM

COFFEYVILLE REGIONAL MEDICAL
CENTER, INC.,

Defendant.

MEMORANDUM AND ORDER

On June 22, 2005, the court granted plaintiff United Medical's Motion for Damages (Dkt. No. 16), and on June 29, entered judgment in favor of plaintiff. (Dkt. No. 17).

Two motions by defendant Coffeyville Regional Medical Center are now before the court. In the first motion, filed June 29, 2005, CRMC seeks to alter the judgment. Besides reiterating arguments (arbitration and jurisdiction) previously presented to and rejected by the court, this motion presents only the additional argument that the orders of the court were filed without notice. The latter argument is without merit. Reviewing the case history, the court finds that all pleadings of parties and orders of the court were given the notice required by the Federal Rules of Civil Procedure.

The second motion, filed by new counsel for CRMC, seeks a stay of execution pursuant to Fed.R.Civ.Pr. 62(b). CRMC contends that its previous serial failures to respond to the motions filed by plaintiff were the product of the incapacitation of its first counsel due to pain medication and

abuse of alcohol. CRMC seeks a stay to permit it “time ... to investigate the circumstances involved in prior counsel’s representation ... and to file a motion” for relief from the default.

For good cause shown, the court will stay any execution of judgment until September 19, 2005. The existing Rule 60(b) motion is without merit and will be denied. Counsel for CRMC shall complete any necessary investigation and submit any additional motion for Rule 60(b) relief on or before September 5, 2005. The court finds that additional security for the stay is not required. Plaintiff United Medical may submit any additional response to this Order, the Motion to Stay, or to CRMC’s new Rule 60(b) motion on or before September 9, 2005.

IT IS ACCORDINGLY ORDERED this 30th day of August, 2005, that the defendant’s Motion to Alter and Amend (Dkt. No. 18) is hereby denied; its Motion to Stay (Dkt. No. 21) is granted as provided herein.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE